

## REMARKS

This is in response to the Office Action dated May 30, 2008. In view of the following representations, reconsideration is respectfully requested.

Initially, on page 2 of the Office Action, the Examiner states that new claims 36-41 are directed to an invention that is independent or distinct from the invention originally claimed. The Examiner's withdrawal of the claims is respectfully traversed. The invention claimed in the elected invention (Group II - July 9, 2007) is the embodiment illustrated in Figs. 12-19B. Clearly, at least claims 36, 38, 39 and 40 are directed to the embodiment illustrated in Figs. 12-19B. Note, claims 37 and 41 could be considered as being drawn to a non-elected species. However, these claims should be entitled to consideration in the event that generic claim 16 is ultimately allowed.

Further, Applicants note that there is no explanation of what "independent or distinct" invention is claimed in claims 36-41. Thus, the Examiner is requested to explain what species of the invention is being claimed that is different from the originally presented claims.

In view of the above, the Examiner is requested to consider at least claims 36, 38, 39 and 40 on the merits. In the event the Examiner decides to maintain the election by original presentation, then the Examiner is requested to clearly identify the different species or embodiments upon which the claims are readable.

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Next, on pages 2-4 of the Office Action, claims 16, 22, 24-28 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over *JP 2002-48188 in view of Halter (U.S. Patent No. 4,045,057)*.

It is submitted that the present invention, as embodied by the amended claims, now clearly distinguishes over the JP '188 and Halter references for the following reasons.

Initially, it is noted that, following the statement of the ground of rejection, claim 16 is then indicated to be rejected under 35 U.S.C. 102(b) as being anticipated by JP '188. Applicants assume that this sentence is an error. Clarification is requested.

The present invention, as defined by amended claim 16, now recites that the intermittent welding is performed along a circumferential direction of the inner plates. This amendment clearly distinguishes over the Halter reference which includes continuous parallel welds in the circumferential direction of the plates or intermittent welds in an axial direction of the plates.

JP '188 discloses a bucket provided with an anti-vibration device having a laminated plate attached by a bolt joint or by welding at a plurality of positions. The laminated plate includes an outer plate and a plurality of inner plates coupled to a machine that is an object of vibration damping. The inner plates are tightly sealed by the outer plate, and the machine that is an object of vibration damping. Note, in JP '188 the outer plates extend beyond the outermost peripheries of the inner plates.

In the rejection, the Examiner refers to outer plate (911). The Examiner is requested to provide further explanation as this feature does not appear to be shown in Fig. 7. Further, the Examiner states that the outer plate has a different shape than the inner plates. The Examiner is requested to explain how this can be determined from Fig. 7 of JP '188.

In the present invention, as defined in claim 16, intermittent welding is performed on the peripheral edges of the inner plates. In contrast, in the JP' 188 device, the intermittent welding is

clearly not performed on the peripheral edges of the inner plates. This fact is acknowledged by the Examiner on page 3, lines 4-6 of the Office Action. In an attempt to supply this omission in the JP '188 device, the Examiner applies the Halter reference and states:

“Halter shows a similar device for use of damping vibrations where inners [sic] layers of plates 7/8 are welded 10a/11a at their peripheries intermittently (fig 2-3) so vibration damping properties are maintained as a form of connection for inner plates. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify JP '188, as taught by Halter, to include the expected result of a know [sic] equivalent form of welding inner plates in order to maintain vibration damping properties while having a strong connection.”

**Halter**, however, is directed to a vibration barrier/connector for conduits. The Halter device is applied in a completely different environment than the device of JP '188. As described in col. 2, lines 11-23, the Halter device includes a vibration barrier 9 including washer-shaped plates 10, 11; header plates 7, 8; and bodies of vibration damping material in the form of washers 12, 13, 14. As shown in Fig. 2, plates 10 and 11 are secured at their outer peripheries, respectively, with the outer peripheries of headers 7 and 8 by continuous circumferential welds. The Examiner apparently considers the two continuous circumferential welds of Halter to correspond to the intermittent welds.

Initially, it is noted that there is no reason to provide the parallel continuous welds of Halter in JP '188 which employs plug welds to interconnect the inner plates. The resulting arrangement would include plug welds and the parallel continuous welds. Thus, the resulting structure would further limit the deformation of the inner plates and would actually decrease the effectiveness of the device with respect to noise reduction. Further, the continuous parallel welds of Halter, if employed in the environment of JP '188 would reduce the noise damping characteristics of the device disclosed in JP '188. Accordingly, it is submitted that there is no rational reason to combine the JP '188 and Halter references as proposed by the Examiner. In *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741

(2007), the Supreme Court stated that “there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”

Further, as amended, the intermittent welds of claim 16 are provided on peripheral edges of the inner plates in a plurality of locations, i.e. the welds are located along a circumferential direction of the inner plates. In contrast, the parallel continuous welds of Halter are formed along a lamination (or axial) direction of the plates being welded. Note that each continuous weld is provided along the entire periphery of the two plates being connected.

Thus, Halter does not meet the limitations of amended claim 16, and even if the welding technique disclosed in Halter could be employed in the JP ‘188 device, the resulting arrangement would not effectively reduce vibration and noise because weld-free plates will be present alternately in the laminated arrangement of the inner plates.

Further, claim 24 requires a contact part (111b) that protrudes from a peripheral edge of the outer plate. There is no corresponding structure in the JP ‘188 device.

Further, with respect to claim 25, the Examiner takes the position that Fig. 7 of JP ‘188 shows a plurality of protruding parts on the inner plates that match a peripheral edge shape of the outer plate. However, the cross-sections shown in Figs. 7(a-e) do not show protruding parts formed by the inner plates. Thus, claim 25 is clearly allowable over the JP ‘188 reference.

Further, with respect to claims 26 and 27, the Examiner states that the recited range would have been an obvious design choice since “applicant has not disclosed that these ranges solve any particular problem or purpose and it appears other similar ranges would work equally well.” The Examiner’s position is respectfully traversed.

Initially, the Examiner's attention is directed to page 38, line 10 to page 39, line 11 of the specification as originally filed. In this portion of the specification, the relationship between the noise reduction effect and the welding pitch of the inner plates is described. As explained therein, Applicant has discovered that if the welding pitch is in excess of 280 mm, the noise reduction effect drops as a result of a knocking sound generated by knocking between the inner plates, which is caused by local vibration of the peripheral edges of the inner plates. However, if the welding pitch is less than 100 mm, the relative displacement between the inner plates is unduly restricted, and the noise level increases as shown in Fig. 17. **Thus, the stated range does solve a particular problem and other similar ranges would not work as well.** Furthermore, the JP '188 reference does not appear to disclose protruding parts of the inner plates (claim 16) or a contact part that protrudes from a peripheral edge of the outer plate (claim 24), and thus, the claimed range is not applicable to the JP '188 device.

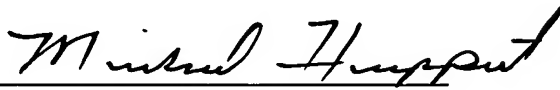
In view of the above, the Examiner's statement that "the recited ranges do not solve any particular problem or purpose, and that similar ranges would work equally well" is not accurate. The Examiner's statement is refuted above. Further nothing in the present record supports the Examiner's contention that similar ranges would work equally well. This conclusion is apparently based on the Examiner's personal knowledge, and thus the Examiner is requested to provide an affidavit or declaration setting forth specific factual statements and explanation to support the stated conclusion. See MPEP 2144.03 and 37 CFR 1.104(d)(2).

In view of the above, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

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